

DELAYED REPORTING HIS ACCIDENT

Neither Did Noyes A. Ecclestone of North Stonington Seek Medical Advice For Some Time—Brings Him Penalty In Compensation Award Against State Highway Department For Loss of Eye—Awards By Commissioner Donohue.

Waiting from Nov. 20, 1917, until March 7, 1918, before he either had medical attention or reported an injury to his left eye, which subsequently resulted in the loss of sight of that eye, cost Noyes A. Ecclestone of North Stonington, and employee of the state highway department a considerable sum in his workmen's compensation claim, according to a finding and award just made by Commissioner J. J. Donohue.

After hearing all the evidence in the case Commissioner Donohue states in his finding that the claimant would have been entitled to compensation at the rate of \$9 per week for 104 weeks, but owing to the prejudice which the respondent, the State of Connecticut, has suffered from failure to receive prompt notice of the injury and on account of their inability to furnish prompt and proper medical attention, and also on account of their inability to prepare a defense, it is found that the claimant should be penalized to the extent of reduction of award by 36 weeks.

The state of Connecticut is accordingly directed to pay to Mr. Ecclestone through his attorney the sum of \$198 for 22 weeks from Dec. 1, 1917, to and including May 3, 1918. The balance of 44 weeks is to be paid directly to his claimant at the rate of \$9 per week and the state of Connecticut also pays the doctor's bill of \$10.

Ecclestone was at work on Nov. 20, 1917, at Gardner's Hill on the Volant road in Griswold, when a fellow workman accidentally threw a shovel of frozen gravel into his face. A piece of the gravel hit his eye and caused hemorrhages which caused the loss of sight in the eye. The man continued at work for the rest of the day, but has not worked for anyone since then.

The testimony of Dr. E. C. Pierce of North Stonington, an optometrist, the records of the late Dr. A. Peck of Norwich, and the testimony of Dr. LaPierre of this city were all brought in as evidence in the case.

In a memorandum of decision, Commissioner Donohue makes the following review of the case.

The important points in the present case which come up for consideration are the lack of prompt notice of injury, failure of the claimant to seek prompt medical attention, previous eye trouble on the part of the claimant, and the fact that the employee did not give his employer an opportunity to prepare a defense.

As stated in the finding the claimant did not consult a physician until March 7, 1918, a period of three months and over having elapsed since his injury on Nov. 20, 1917. In the opinion of Dr. LaPierre, the eye specialist whom he then consulted, the hemorrhage was so massive and extensive that he did not believe that if he had seen the claimant earlier that it would have made any difference so far as saving the eye was concerned. He thought in this particular case that even immediate treatment would have been of no avail in saving the sight of the eye. The doctor did admit, however, that if the claimant had called upon him earlier or immediately after the injury, he would have treated the case and he believed the man should have sought immediate medical attention and at least given an opportunity to see what might have been done in the way of treatment with the possibility of saving some of the vision.

As the claimant in the present case, if we are to accept the record of Dr. Peck, (and it was agreed by both parties that his record should be made a part of the evidence) had slightly

better than one-half of normal vision, and is fair to assume that this vision never increased any and was no better at the time he received the injury than it was at the time he was examined by Dr. Peck, in fact medical knowledge would lead me to believe that it might be a trifle poorer; it might be claimed with apparent justice that as he had no better than half an eye, why should he be compensated for a whole eye; why not, in other words, give him one-half of 104 weeks instead of 104 weeks. If he had received a previous injury and had lost one-half of his vision as the result of such an injury and had been compensated for the same, I should feel constrained to award one-half of 104 weeks, but as there is no history of any previous injury, and the vision which he had at the time of his injury while in the state's employ was his vision, I think he should be compensated for the loss of the eye such as he had, deducting as has been done in the award for the prejudice which the employee is found to have suffered.

The sight of eyes in different individuals varies greatly and there is a large percentage of people very far from the normal standard as far as their vision is concerned but their vision, such as it is, serves them for all practical and necessary purposes and enables them to do all the work which the individual with a normal vision has the ability to do; in fact, there are not many of us who are physically perfect.

The law does not speak of the loss of a normal eye; it simply speaks of the loss of an eye, or rather the loss of sight of an eye, and if the claimant in the present case had sight in his left eye before he injured it and no sight afterwards, then of course he has lost the sight of the eye. When an employer takes a man into his employ, he takes him with his shortcomings, if he has any, and to get up a standard or normal type of man by which to judge all others, we would be endeavoring to establish a standard which would be well-nigh impossible, or having even succeeded in establishing a standard, it would be unreasonable to expect other men to measure up to that standard.

The claimant in the present case is a man of quite apparent peculiarities, and as on the previous occasion about four years ago when he had trouble with his eyes and consulted an eye specialist he did not consider that he had received any benefit, so in the present instance after he injured his eye in November he did not think, according to his testimony, that he would receive any more benefit from treatment than before and consequently he did not consult a physician on this latter occasion.

As stated in the finding the first notice of the injury which was brought to the attention of the employer was about the middle of March 1918, so that during this entire period, from November 20th, 1917, to March 1918, the employee had no knowledge of any injury whatever, and no opportunity to provide medical attention, which might or might not in the present case have improved the condition, and thereby the employer would be relieved, in case of an improvement in the condition, or part of the burden of specific compensation, and the pecuniary liability of the employer would have been possibly lessened.

Furthermore, the employer, having no knowledge of a claim of this sort, has had no opportunity to make an investigation and provide a defense. It is not fair to the employer to deprive

him of these rights which the law intends he should have the privilege of exercising. There is always more or less suspicion felt as to whether or not an injury has been received arising out of and in the course of employment when no report comes in until some months after an injury is claimed to have been received. It raised a doubt in the mind of the employer and it is something which cannot be tolerated without the claimants being justly penalized for so acting. And in this connection I would refer to the case of Buckley vs. Winchester Repeating Arms Company, decided by the commissioner for the Third Congressional District on Sept. 23rd, 1915, and supplemental award filed Nov. 2d, 1917.

METHODIST WOMEN

TAKE THANK OFFERING.

Amounted to \$35—Will Collect Old Gold and Silver.

The Woman's Foreign Missionary society of Trinity Methodist Episcopal church held its regular monthly meeting in the church parlors yesterday, May 2d, with a goodly number in attendance.

The president, Mrs. Costello Lippitt, presided. Mrs. J. Ayres and the devotionists, Mrs. Albert Miner led in repeating the jubilee campaign aim and read a paper on The League of Intercourse. This was the regular thank offering meeting. The offering amounted to \$35.

The auxiliary will hold a meeting with the Standard Bearers on May 14th, when an offering of old gold and silver articles will be brought and later turned into money to be sent to the French war orphans in Grenoble, France, where the W. F. M. S. have an orphanage. The auxiliary box contest, in which points were given for the contesting sides for finding hidden answers to questions in the W. F. M. S. Friend and getting new members into the auxiliary, is ended. This contest aroused a great deal of enthusiasm and good natured rivalry. The goal was set for 100 members, but the auxiliary went over the top Thursday with 103. The losing side is to entertain the winners later.

BRITISH EXPERT TELLS

OF COMING GERMAN DEFEAT

W. Beach, Famous War Correspondent In America After Three Years at the Front, Sees End of War in 1919 With America the Deciding Factor.

That Germany "lost the war" when her U-boat sank the Lusitania and that peace will come next year when the full military might of America, combined with that of the Allies, is hurled against her, though the fighting may still be in France and Flanders, is the belief of the Allied military leaders as expressed by W. Beach, Thomas who is in the country fresh from the British Headquarters in France. In Current Opinion for May this spokesman of the Allied High Command goes further and says that the present great drive is Germany's acknowledgement that she must win now or never, and that German defeat will come in 1919 with the "armies" of the sea, the U-boats, which will join the floods by Newport to the neighborhood of the Swiss mountains where the French are clinging to one small reach of German territory. He writes:

"Oscillations there will be, victories and defeats there will be at this and that spot in the line; and one day there will be a complete German victory from which any observer, whether he is seer or no, will be able to deduce with some certainty the progressive decline of one side or the other. It is inconceivable to the mind of any leaders among the Allies that this progressive decline—this spot on the fair fruit of the alliance—can appear among them while America, with her 100 million men and resources that defy arithmetic, is heart and soul in the cause. We may have defeats but not progressive defeats. Those are reserved for the Central Powers. When the first of this sort comes, peace will be in sight. Germany will not wait—neither her population nor her army authorities will permit it—till she tumbles back in successive failures upon her own frontiers, and the targets for the growing hordes of airmen come nearer and nearer, and the boom of the Liberty engine at last plays foreign music over German cities."

Further: "American influence on the war will be irresistible; her ships, her air, her wealth, her will. When Tirpitz rose victor from the interview with Bethmann-Hollweg and the U-boats sank the Lusitania with a pair of torpedoes, Germany lost the war. The date may be the date of the proclamation of peace. The cardinal reason of the new German offensive, up to and over the old battle ground of the Somme, is the conviction in Germany that 1918 is America's year, and that if Germany is to force any sort of victory she must force it in 1918, before America is ready. And not later in 1918."

"The German public has just begun to understand that the U-boats which drove America into the war, are failing, have failed, to compel a decision. In the everlastingly renewed tactics of offense and defense, the defense, which was inferior, has begun to rise to a level. The people of the Central Powers lost one ground of confidence after another, but this was the most solid. Early in the war some English residents in London were seriously warned by close friends in Germany to leave England immediately as it would be made untenable by Zeppelins. Nearly all the general population in Germany believed this, as they will believe anything they are told 'from above.' But on Feb. 10, after another has proved a false god, and now both the public and the High Command have been driven back to the old faith that the army and only the army is their shield and their buckler. To act as a shield alone was not enough, so they prepared with little concealment—indeed with much show—of throwing gas in cylinders from mortars. On the advice of General Von Armin, who commanded against the British in the Somme battle (I have seen the General's memorandum), he equipped his infantry with hand-carried flame-throwers, which are chiefly useful for inspiring terror. He built little armored cars for carrying forward ammunition, of which absurdly exaggerated accounts were published in Germany for public consumption. He made light, very mobile guns much on the American pattern. He built vast underground tunnels and caverns capable of concealing a division of men at a time, and concealed in them first his 'storm troops' then his reserves. He brought up not only field guns and howitzers

The Porteous & Mitchell Company

HERE ARE EXCELLENT VALUES FOR SATURDAY SHOPPERS

WHITE DOESKIN GLOVES \$1.15

These are remarkable values—Women's White Washable Doeskin Gloves, a splendid quality at \$1.15 a pair. These are just the kind of gloves that women want at this season. As the quantity is limited we advise an early selection. Regular \$1.65 quality Women's White Doeskin Gloves at \$1.15 a pair.

CHILDREN'S \$1.50 DRESSES AT 98c

Mother will appreciate this offering. It comprises Children's Gingham and Chambray Dresses, sizes 2 to 10 years—smart models with high waist line as well as many pretty smocked models. These Dresses are actually worth \$1.50, but on Saturday you may choose at 98c each.

WHITE GOODS 37½c to 69c Values At 25c Yard

One lot of White Goods in a splendid range of fabrics and weaves. There are Plain Voiles, Fancy Voiles, Basket Weaves, P. K's, Etc. They are all 36 inches wide and particularly desirable for waists and skirts. On Saturday we offer this entire line at 25c a yard, regular values 37½c to 69c.

CHILDREN'S SILK LISLE HOSIERY 39c

These are the finest quality Silk Lisle Hosiery and represent an order placed with the manufacturer a year ago. They come in black, white and the new shade of tan and in a full range of sizes 6 to 9½. Just for Saturday we offer them at 39c a pair, regular prices 42c and 50c according to size.

MEN'S SPRING APPAREL

In our Spring showing of Suits for men and young men you will find every authentic model, fabric and coloring, in hundreds of Suits in every size for ALL men, whether regular, slim, tall, short or extra size. Prominent in our Spring showing is

Stein-Bloch Smart Clothes in all the newest models and most fashionable colorings—Suits \$25.00 to \$35.00.

MEN'S SPRING SUITS Other good makes in Men's and Young Men's Spring Suits, in all the latest models and newest colorings at \$18.00 to \$27.50.

MEN'S TOP COATS Men's and Young Men's Spring Weight Top Coats, in all the most fashionable styles and splendidly tailored at \$16.50 to \$25.00.

MEN'S NECKWEAR In our Men's Neckwear Section you will always find a large assortment of the newest ideas as soon as they are turned out by the manufacturers. Here are a few suggestions:

String Ties, plain and fancy, in various widths and lengths, in an assortment which enables us to please all customers—price..... 50c

Made Ties—Four-in-Hands and Bows—all ready to wear. Have you tried the new Grip Bow Tie, looks as though it was tied by hand, the latest tie sensation, plain and fancy—price..... 50c

Fancy and Plain, Wide End or Narrow Reversible Scarfs featuring Le Mar Cravats (Union made), Cheney's, Horn's, Etc.—all pure silk at 19c, 35c, 50c, 65c and up to \$1.50.

The popular Knitted Four-in-Hand Scarfs, in plain and striped effects at \$1.00, \$1.50, \$2.00 and \$3.00.

Men's Wash Neckwear, narrow and wide End Four-in-Hands, all the newest ideas. We feature the "Delpark" line of Wash Neckwear—prices 25c, 50c, 65c and \$1.00.

We invite consideration of our complete showing of Men's Neckwear.

Saturday Candy Enterprise Chocolates, Peppermint, Sour Lemon, Maples, Strawberry Cream, Raspberry Creams, Etc., regular 40c value at..... 35c

Hard Candies, including Horehound Drops, Cherry Drops, Lime Tablets, Orange Drops, Lemon Tablets, Assorted Fruit Flavors—Special price a pound..... 35c

Phelps' "Dotty Dimple" Chocolates in one pound boxes, regular 50c value at..... 39c

Phelps' Famous "Mellows", price a pound..... 45c

Jordan Almonds, assorted flavors, price a pound..... 45c

Patent Leather Belts, 50c Patent Leather Belts, with real leather backs, in widths 2 to 3 inches, colors are green, brown, red, blue, purple, gray, black and white—extra good value at 50c each.

Toilet Goods Specials 25c Bayers' Aspirin Tablets, a dozen..... 20c

10c Olive Soap, large size..... 8c

15c Spanish Castile Soap..... 12c

25c Listerine, Lambs Ears..... 19c

25c Sykes' Comfort Powder..... 17c

25c Mavis' Talcum Powder..... 16c

25c Lassell's Talcum Powder..... 16c

25c Samsol Face Powder..... 16c

50c Mavis' Face Powder..... 39c

25c De Meridier Cream..... 20c

12c Munyon's Witch Hazel Soap..... 8c

10c Olive Soap, large size..... 8c

15c Spanish Castile Soap..... 12c

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